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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Board of Supervisors**

MEETING DATE November 17, 2015	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Ronald Denner	FILE NO. AGP2015-00002
<b>SUBJECT</b> Proposal by Ronald Denner to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 123.5 acre parcel is located within the Agriculture land use category on the north side of Adelaida Road approximately 1 mile west of the intersection of Adelaida Road and Nacimiento Lake Drive, approximately 2 miles west of the City of Paso Robles. The site is in the Adelaida Sub-area of the North County planning area.			
<b>RECOMMENDED ACTION</b> The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:			
<b>Preserve Designation:</b> <b>Minimum Parcel Size:</b> <b>Minimum Term of Contract:</b>		<b>Paso Robles Agricultural Preserve No. 27</b> <b>160 Acres</b> <b>20 Years</b>	
<b>ENVIRONMENTAL DETERMINATION</b> A Categorical Exemption (Class 17) was issued on August 19, 2015 (ED15-035)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 026-232-014	SUPERVISOR DISTRICT(S) 1
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040 – Minimum parcel size for agriculture category (new agricultural preserves)	
<b>EXISTING USES:</b> Vineyards			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/Grazing, orchards, residences <i>East:</i> Agriculture/ Oak woodland, residences <i>South:</i> Rural Lands/Oak woodland, vineyards, residences <i>West:</i> Agriculture/ Residences & orchards			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None			
<b>TOPOGRAPHY:</b> Moderately to steeply sloping		<b>VEGETATION:</b> Grasses, oak trees, chaparral	
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> August 15, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER <input type="checkbox"/> SAN LUIS OBISPO <input type="checkbox"/> CALIFORNIA 93408 <input type="checkbox"/> (805) 781-5600 <input type="checkbox"/> FAX: (805) 781-1242			

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## PROJECT REVIEW

### Site and Area Characteristics

The property consists of one legal parcel of approximately 123.5 acres. The topography of the property ranges from moderately to steeply sloping with two oak tree lined drainage courses running diagonally through the property.

The Assessors records show the property as having vines and no residences on the property. A total of approximately 21 acres is planted in irrigated vineyard. The vineyards were planted in 2013. An agricultural irrigation well produces 5 to 6 gallons per minute of water at a well depth of 300 feet. Properties to the north, east and west are also in the Agriculture land use category.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Rangeland	Fallow/Oaks & Chaparral	Acres
If Irrigated	Non-Irrigated				
4	4	0	16.5	0	16.5
6	6	21	50	4	75
7	7	0	8.5	23.5	32
TOTALS		21	75	27.5	123.5

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

### Compliance with the Williamson Act and the Rules of Procedure

#### **Establishing an Agricultural Preserve**

The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's 123.5 acres exceeds the 40 acres (gross) necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land under production (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

The gross parcel size must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre (averaged over 40 acres) if in full commercial bearing.

Since the property has 21 acres planted in irrigated vineyard, due to the recognized high value of irrigated vineyard on non-prime soils, the property qualifies for a prime-land preserve based on the income & value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

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### **Qualifying for a Land Conservation Contract**

To qualify for a land conservation contract the property must also meet the eligibility requirements for individual land conservation contracts and have 20 acres of irrigated vineyard or orchard on Class 3, 4, 6, or 7 (or better) soils. The property qualifies for a land conservation contract by having approximately 21 acres of irrigated vineyard on Class 6 soils. (Table 1 Section B. 1.c).

### **Minimum Parcel Size for Conveyance**

Because only 21 acres of the total 123.5 acre site is actually cultivated, it is appropriate to use the mixed use averaging formula to establish the appropriate minimum parcel size for conveyance. Appendix E of the Rules of Procedure establishes procedures for determining minimum parcel sizes for conveyance or subdivision of land with mixed agricultural potential or use. As is customary, the property's oak woodland and fallow or unplanted acreage has been grouped together with the grazing land for the purposes of calculating minimum parcel size.

The mixed use calculation for this property is as follows:

Land Capability / Agricultural Use	Acres	Minimum Parcel Size	Fractional Portion
Class 6/ Irrigated Vineyard	21	40	0.53
Non-Irrigated Class 4 / Grazing Potential	16.5	320	0.05
Class 6 & 7 / Grazing / Oaks	86	320	0.27
Total	123.5		0.85

The property size of 123.5 acres divided by 0.85 (the total fractional proportions) is 145.3, which is rounded up to a 160 acre minimum parcel size category in Table 1 of the Rules of Procedure.

The appropriate minimum parcel size is 160 acres and the appropriate minimum term of contract is 20 years because the site is located more than one mile from the Paso Robles urban reserve line, the closest urban reserve line in the vicinity.

### **Agricultural Preserve Review Committee**

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on August 31, 2015 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report via a Power Point presentation.

Lynda Auchinachie: opens Public Comment with no one coming forward.

Thereafter, on motion of Karen Nall, seconded by Beverly Gingg and on the following roll call vote:

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AYES: Karen Nall, Beverly Gingg, Dick Nock, Irv McMillan, Hugh Pitts, Lynda Auchinachie, Jeff Stranlund, Paul Hoover, Robert Sparling

NOES: None

ABSENT: Don Warden, Jennifer Anderson, Lynn Moody, Royce Larson

Following the discussion, the Agricultural Preserve Review Committee moved to recommend the Board of Supervisors approve this request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. Preserve Designation: Paso Robles Agricultural Preserve No. 27. Minimum Parcel Size: 160 acres. Minimum Term of Contract: 20 years.

## RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:

<b>Preserve Designation:</b>	<b>Paso Robles Agricultural Preserve No. 27</b>
<b>Minimum Parcel Size:</b>	<b>160 Acres</b>
<b>Minimum Term of Contract:</b>	<b>20 Years</b>

## FINDINGS

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler  
and reviewed by Karen Nall, Supervising Planner  
Agricultural Preserve Program